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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/381,190	11/23/1999	HIROMI YOSHINARI	450106-4749	3610
20999	7590	10/03/2003		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER BURD, KEVIN MICHAEL	
			ART UNIT 2631	PAPER NUMBER 12

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/381,190

Applicant(s)

YOSHINARI ET AL.

Examiner

Kevin M Burd

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. This office action, in response to the amendment filed 7/21/2003, is a final office action.

Response to Arguments

2. The objection to the specifications is maintained. Those the numerous run-on sentence in the application present the subject matter of the originally pending claims, the sentences are grammatically incorrect and should be corrected into a proper format.
3. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Knee et al (WO 95/35628).

Regarding claims 1, 8, 15, 16 and 19, Knee discloses a method of combining compressed video streams (abstract). In figure 1, a first decoder (14) decodes a first encoded signal (12) and outputs a first base band signal. A second decoder (18) decodes a second encoded signal (20) and outputs a second base band signal. An encoding means 22 encodes a third base band signal as combined result of the first and second base band signal and with "codec" information from the decoders (page 7, line

20 to page 8, line 7). A controlling means switches "codec" information used in decoding the first and second encoded bit streams corresponding to edit position information (page 12, lines 20-26).

Regarding claims 2, 9, 17 and 20, the first and second encoded stream is selected by the time stamps present in the signals (page 12, lines 20-26).

Regarding claims 3 and 10, the first and second base band signals are re-encoded in the coder 22.

Regarding claims 4 and 11, the encoded signals are input from the coders shown in figure 1. These elements store the data until coding is completed.

Regarding claims 5-7 and 12-14, the inputted bit streams are MPEG video. The video can contain any type of information.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al (WO 95/35628).

Regarding claims 18 and 21, Knee discloses a method of combining compressed video streams as stated above. Knee does not disclose storing the output of the decoders or storing the "codec information". However, it would have been obvious for

one of ordinary skill in the art at the time of the invention to store this information. If errors were to occur at the output of the system, error checks at each stage of the re-encoding process would be possible. Eliminating the need to check each step of the re-encoding process if the output from each component was known would reduce the error correction process time.

Regarding claims 22-27, Knee discloses a method of combining compressed video streams (abstract). In figure 1, a first decoder (14) decodes a first encoded signal (12) and outputs a first base band signal. A second decoder (18) decodes a second encoded signal (20) and outputs a second base band signal. An encoding means 22 encodes a third base band signal as combined result of the first and second base band signal and with "codec" information from the decoders (page 7, line 20 to page 8, line 7). A controlling means switches "codec" information used in decoding the first and second encoded bit streams corresponding to edit position information (page 12, lines 20-26). Knee does not disclose storing the output of the decoder nor storing the "codec information" however, it would have been obvious for one of ordinary skill in the art at the time of the invention to store this information. If errors were to occur at the output of the system, error checks at each stage of the re-encoding process would be possible. Eliminating the need to check every step of the re-encoding process if the output from each component was known would reduce the error correction process time.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE" or for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Burd, whose telephone number is (703) 308-7034. The Examiner can normally be reached on Monday-Thursday from 9:00 AM - 6:00 PM.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Kevin M. Burd
PATENT EXAMINER
9/23/03



MOHAMMAD H. GHAYOUR
PRIMARY EXAMINER